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view of the preceding amendments and the following remarks.

Specification

The Examiner has objected to the disclosure because of an alleged ambiguity in the terms "second length" as compared to "container pitch 16." Applicants note that the second length is equal to the container pitch 16. In the Summary of the Invention at Page 4 of the Specification, Applicants note that "a container pitch between adjacent containers in the package is a second length" Applicants urge the Examiner to contact the undersigned should this issue require further clarification.

Claim Rejections 35 U.S.C. §112

The Examiner has rejected Claims 1-8 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Specifically, the Examiner has required clarification of the limitation that regarding the "first length" in lines 9-11 of Claim 1. Applicant has amended Claim 1 to clarify that the applying machine spaces adjacent containers at the first length prior to application of the carrier to the containers. This spacing of the containers at the first length is inherently required so as to position the carrier into engagement with such containers. Following application of the containers to the carrier, the containers are spaced at the second length (which is less than the first length). Support for such amendment may be found in the

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Specification at pages 4 and 11 and in the drawings at Figs. 10 and 11 which show at elements 18 and 16, the pitch of the carrier (first length) and the pitch of the container (second length), respectively.

Double Patenting

The Examiner has rejected Claims 1-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-13 of U.S. Patent 6,122,893. Applicants have enclosed a suitable Terminal Disclaimer that renders the subject rejection moot.

Claim Rejections 35 U.S.C. §103

The Examiner has rejected Claims 1-13 under 35 U.S.C. §103 as being unpatentable over Krogman et al., U.S. Patent 5,383,321, in view of Fisher, U.S. Patent 3,044,230. The Examiner alleges that the Krogman et al. Patent teaches the features of Claim 1 with the exception of a maximum diameter of each container having a second length shorter than the first length spaced apart from an adjacent container by the applying machine at the first length. The Examiner additionally admits that the Krogman et al. Patent does not teach positioning the carrier over the plurality of containers to form a package having a container pitch between a center of adjacent containers approximately equal to the second length which is smaller than a carrier pitch having a first length. The Examiner alleges that the Fisher Patent teaches a carrier having a second length shorter than a first length by comparing Figs. 2 and 4

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of the Fisher Patent.

As an initial matter, the Examiner has indicated a length "X" and a length "Y" marked on the Fisher Patent, however Applicant did not receive a copy of this marked-up drawing. However, presuming the Examiner is comparing Figs. 2 and 4 of the Fisher Patent, such comparison is improper. The drawings of the Fisher Patent are not to scale as is evident from Fig. 3 to Fig. 4. Clearly, the containers shown in Fig. 4 are larger than the containers shown in Fig. 3. In fact, the Fisher Patent appears to show Figs. 1 and 2 in one scale; Figs. 3 and 6 in a second scale; and Figs. 4 and 5 in a third scale. As a result, it is improper to compare the first length of the carrier shown in Fig. 2 with the second length of the carrier and containers shown in Fig. 4 as such figures are inconsistent.

In fact, Col. 3, line 25 of the Fisher Patent describes the carrier as having an aperture having a peripheral measurement **less than** the periphery of an individual container. This teaches that the second length or container pitch, following application to containers, is greater than the first length or carrier pitch, prior to application to containers – exactly opposite of the requirements of the claimed invention. As such, the Fisher Patent teaches away from the claimed invention requiring a second length less than a first length.

The Examiner cites Col. 2, line 67 of the Fisher Patent for the notion that the carrier maintains a tenacious grip on the containers. This is undisputed. However,

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Col. 2, line 62, states that the “apertures resulting from the slits 12 are stretched upon insertion of the cans.” This indicates that the apertures will be larger following insertion of the cans. Therefore, the second length (container pitch) will be larger than the first length (carrier pitch) following insertion of the cans. This teaches away from the claimed invention and therefore does not teach or suggest the claimed invention when combined with the Krogman et al. Patent. The cited art neither teaches nor suggests a carrier having a pitch of a first length which is longer than a container pitch having a second length following application of the carrier to the containers.

Request for Telephone Interview

Should the subject Amendment not result in allowance of the pending claims or should the Examiner require any further clarification and/or amendment, Applicants respectfully request that the Examiner contact the undersigned at 847.490.1400 for a telephone interview.

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Conclusion

In view of the above Amendment and remarks, Applicants sincerely believe that Claims 1-13 of this patent application are now in condition for allowance and early allowance is respectfully requested. Applicants urge the Examiner to contact the undersigned should any issue require further consideration.

Respectfully submitted,



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MARKED-UP VERSION SHOWING CHANGES MADE

1. (Amended) A system for packaging multiple containers, the system comprising the steps of:

moving a carrier through an applying machine, the carrier constructed of flexible plastic having a plurality of elongated apertures aligned in transverse ranks, which elongated apertures are oriented in a longitudinal direction of the carrier and have a longitudinal pitch between a center of each adjacent elongated aperture, the longitudinal pitch having a first length;

moving a plurality of containers through the applying machine, each container of the plurality of containers having a maximum diameter having a second length shorter than the first length and each container of the plurality of containers spaced at the first length apart from an adjacent container by the applying machine [at the first length]; and

positioning the carrier over the plurality of containers whereby each elongated aperture engages with one of the containers to form a package having a container pitch between a center of adjacent containers approximately equal to the second length.